

**STATE CONSUMER DISPUTES REDRESSAL COMMISSION, PUNJAB,  
DAKSHIN MARG, SECTOR 37-A, CHANDIGARH.**

**First Appeal No. 1323 of 2011**

**Date of Institution : 02.09.2011**

**Date of decision : 29.05.2012**

1. Public Information Officer-Education Officer (S) Govt. High School (Boys) complex, Barnala.
  2. District Education Officer (S) Barnala Office of District Education Officer (S) Govt. High School (Boys) Complex, Barnala.
- ...Appellants

Versus

Parmod Kumar Pabby, Advocate Barnala, District Courts Barnala, Barnala.  
...Respondent

**First Appeal against the order dated  
08.08.2011 of the District Consumer Disputes  
Redressal Forum, Barnala.**

**Before:-**

**Hon'ble Mr.Justice S.N.Aggarwal, President.  
Sh.Baldev Singh Sekhon, Member.**

**Present:-**

For the appellant	:	Sh. Manipal Singh, Legal Assistant
For the respondent	:	Sh. Tribhawan Sigla, Advocate

**BALDEV SINGH SEKHON, MEMBER**

This appeal is against the order dated 08.08.2011 passed by District Consumer Disputes Redressal Forum, Barnala (in short District Forum) vide which the complaint of the respondent was partly allowed.

2. Briefly stated, the facts of the case are that complainant-respondent Sh. Parmod Kumar Pabby, Advocate, hereinafter called the respondent, submitted an application under Right to Information Act (in short the Act) to get information from the appellant No.1 by paying an amount of Rs. 50/- through postal receipt No.3452 dated 24.04.2011. It was alleged, that, despite the submission of the application on 26.04.2011, appellant No.1 failed to supply information sought by the respondent. Even

appellant No.2 was approached by filing an appeal, but despite the lapse of 30 days respondent No.2 also failed to supply the requisite information. Alleging deficiency in services on the part of the appellants, the respondent filed the complaint before the District Forum seeking directions to the appellants to pay Rs. 75,000/- for causing mental, physical harassment to the respondent besides Rs. 10,000/- as litigation expenses.

3. Notice was issued on 01.08.2011 for 05.08.2011 to the appellants. As per the report of the Ahalmad the appellants were duly served. The case was called several times on 05.08.2011 till 4:30 PM and nobody came forward on behalf of the appellants to contest the complaint. Accordingly, the appellants were proceeded against ex-parte.

4. On the same day, the respondent tendered his entire evidence and argued his complaint and the case was fixed for 08.08.2011 for orders.

5. After going through the pleadings of the respondent and the evidence on record, the learned District Forum allowed the complaint of the respondent and directed the appellants to provide information as per request of the respondent. The appellants were also burdened with the consolidated amount of compensation to the tune of Rs. 10,000/-.

6. Hence the appeal.

7. Learned counsel for the appellants submitted that the information sought by the respondents under the Act had already been given vide letter dated 21.07.2011 and placed the copy of the same on record as Annexure A2.

8. It was also pleaded that the said information was given prior to the passing of the order dated 08.08.2011 by the District Consumer Forum but the respondent did not bring it to the notice of the District Forum. Thus, the respondent had acted with malafide intention that resulted in the passing of the order dated 08.08.2011. It was further submitted that the

appellants were discharging the statutory functions assigned to their office, as well as the sovereign functions of a State. The appellant office is not offering its services to anyone. Since the office was not giving any type of service, therefore, the concept of deficiency in service is not applicable.

9. It was further submitted that the respondent had never paid any consideration to the office of the appellant to hire their services. Nominal requisite payment of Rs. 50/- for printed information under Right to Information Act cannot be considered as a consideration for any purpose.

10. It was further submitted that the respondent had sought the information under the Right to Information Act regarding giving charge of a library in a school in the absence of regular librarian vide letter dated 26.04.2011. However, the said application was not received in the office of appellant No.1 for certain reasons. The respondent filed first appeal to District Education Officer on 30.05.2011 and the said appeal was received in the office of appellant No.2 in 01.06.2011.

11. Thereafter, the appellant No.2 supplied the requisite information to the respondent. But the respondent deliberately concealed the fact regarding receipt of information from the District Forum

12. It was, however, admitted that the summons issued by the District Forum were received but unfortunately these did not reach the proper seat due to shortage of staff in the office of appellant No.1 and also due to the fact that new employee was adjusted against the receipt seat who did not work properly during her stay in the office thereby, the appellant No.1 relieved her keeping in view her poor performance. The complaint was filed by the appellant before District Forum on 01.08.2011 and notice was issued to the appellant for 05.08.2011 and the order was passed by the District Forum on 08.08.2011.

13. Acceptance of the appeal was prayed.

14. The learned counsel for the respondents filed written submissions wherein it was submitted that it has been admitted by the appellants that the summons were received by them but same were not received by the proper person. In view of this they were aware of pendency of complaint before District Forum. Therefore the appeal may be dismissed.

15. Submissions have been considered and record has been perused.

16. The admitted facts of the case are that the respondent applied for information under the Act on 26.04.2011 to appellant No.1 for seeking certain information but the same was not supplied by the appellant No.1. Thereafter, the respondent approached appellant No.2 by filing an appeal under the Act but despite the lapse of 30 days even appellant No.2 failed to supply the information.

17. It is also observed from the file of the District Forum that the District Forum acted in a very hastily manner in disposing the complaint. The complaint was received on 01.08.2011. Notice of this complaint was issued to the appellants for 05.08.2011. On 05.08.2011, when nobody appeared on behalf of the appellants up to 4:30 pm, the appellants were proceeded against ex-parte. The complainant-respondent was allowed to tender evidence on the same day. Even arguments were heard on 05.08.2011 itself. As per the report of Ahalmad the summons were received by one Rita Rani on 04.08.2011 whereas the case was fixed for 05.08.2011. It was not practically possible for a public office like District Education Officer to appear before the District Forum on the subsequent day of receipt of summons.

18. The appellants have placed on record the copy of the information supplied under the Act to the respondent vide letter No. DK-3-RTI/11/23 (Annexure-A2) 21.07.2011 which must also have been received

by the respondent few days thereafter. But, while filing the complaint before the District Forum on 01.08.2011 and even during the pendency of the complaint he deliberately concealed this fact.

19. It is, no doubt, proved that the appellants did not furnish the requisite information in time to the respondent but there is no provision of giving any compensation to the person seeking information from the concerned authority under the Act. Section 22 of the Act only provides for the penalty to the concerned public information officer in case of delay or failure to supply the same.

20. The respondent has not spelled out what loss he has suffered on account of delayed receipt of information. Respondent has claimed compensation without specifying any detail of loss suffered by him. Moreover there is no provision in the Act to give any such compensation for delayed information.

21. Since, the information sought by the respondent has already been supplied to him, we do not feel if any direct or indirect loss has occurred to the respondent for receiving delayed information. The appeal of the appellants is accordingly accepted and the impugned order of the District Forum is set aside. Subsequently the complaint of respondent is dismissed. We are constrained to observe that learned District Forum has not acted in fair and judicious manner while hastily disposing of the complaint of the respondent.

22. The appellants have deposited an amount of Rs. 5,000/- with this commission at the time of filing of the appeal. This amount along with interest, if any, be remitted to the appellants by way of crossed cheque/bank draft after expiry of 45 days.

23. The arguments in this case were heard on 15.05.2012 and the order was reserved. Now parties be communicated about the same.

24. The appeal could not be decided within the statutory period due to heavy pendency of court cases.

**(Justice S.N.Aggarwal)**  
**President**

**(Baldev Singh Sekhon)**  
**Member**

**May 29, 2012.**  
*Kumud*